



भारत का याजपत्र

The Gazette of India

असाधारण

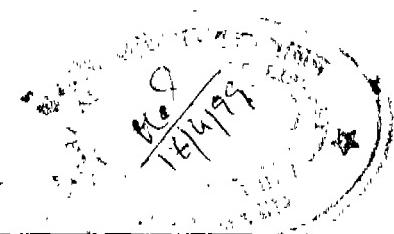
EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 18-12-1998.

BILL No. 99 OF 1998

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1998.
2. After article 151 of the Constitution, the following heading and articles shall be inserted, namely:—

Short title.

Insertion of new articles 151A to 151C.

CHAPTER VI — PLANNING COMMISSION OF INDIA

151A. (1) There shall be set up by the Government of India a Planning Commission which shall consist of a Chief Planning Commissioner and two other Planning Commissioners.

Setting up of Planning Commission

(2) The Chief Planning Commissioner and two other Planning Commissioners shall be appointed for a term of five years or until they attain the age of sixty-five years, whichever is earlier.

(3) The appointment of the Chief Planning Commissioner and two other Planning Commissioners shall be made by President on the advice of a Committee comprising the Prime Minister, the Speaker of the House of the People and the Chairman of the Council of States and Leaders of Opposition of both Houses of Parliament.

(4) The terms and conditions of the appointment of the Chief Planning Commissioner and two other Planning Commissioners shall be such as may be prescribed by or under any law made by Parliament.

Duty of
Planning
Commission.

151B. (1) It shall be the duty of the Planning Commission to prepare plans at the expiration of every five year or at such earlier time as it may consider necessary for the economic and alround development of the country.

(2) While preparing plans, the Planning Commission may take into consideration the following factors, namely:—

(a) the sectors which require urgent attention;

(b) the views of all the Chief Ministers of the States and Administrators of the Union Territories, as the case may be;

(c) the backwardness of different areas of the country:

Provided that the Planning Commission may while declaring an area as a backward area, take into account the industrialisation, agricultural production in that area and such other factors as it may consider necessary.

(3) The Planning Commission shall, after preparation of the plans, forward the same to the Government of India.

(4) It shall be the responsibility of the Government of India to allocate sufficient funds for the implementation of all the plans framed by the Planning Commission.

(5) It shall be the responsibility of the Planning Commission to monitor the progress of each project and plan framed by it and recommend improvements to the Government of India for early implementation of those plans

Planning .
Commission
Secretariat.

151C. (1) There shall be set up a Secretariat to be known as Planning Commission Secretariat.

(2) The Secretariat shall be headed by a Chief Advisor and shall consist of such number of Joint Advisors, Assistant Advisors and such other officers and staff as may be necessary for the efficient functioning of the Secretariat.

(3) The terms and conditions of appointment of Officers and other staff of the Planning Commission Secretariat shall be such as may be prescribed by or under any law made by Parliament in this behalf.

(4) The Secretariat shall assist the Planning Commission in carrying out its functions.

STATEMENT OF OBJECTS AND REASONS

Since the last fifty years of our Independence, eight five year plans have been implemented and ninth plan is under implementation. The country has not been able to make much progress despite all these plans. Although the Planning Commission has been framing plans and projects, yet they are not implemented due to insufficient allocation of funds by the Government. Moreover, the recommendations of the Planning Commission are purely recommendatory in nature and are not binding on the Government.

The plans and projects framed by the Planning Commission remain only on paper as the Government does not allocate sufficient funds for their implementation. Even for those projects for which sufficient funds have been allocated, the progress has been very slow and as a result the cost of project is escalating. Among those plans and projects of which could not be implemented are power projects and projects which are connected with infrastructural facilities.

Majority of population of our country lives in utter poverty and does not have even basic facilities of life. The purpose of which the Planning Commission was set up has not been achieved in as much as the plans and projects framed by them are not at all implemented.

The Planning Commission functioning at present does not have a statutory status. It is, therefore, proposed to amend the Constitution with a view to giving the present Planning Commission a statutory status. And also to provide that the Central Government shall allocate sufficient funds for implementing the plans framed by the Planning Commission. This measure would accelerate our economic progress.

Hence this Bill.

NEW DELHI;
25 June, 1998

PANABAKA LAKSHMI

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the establishment of an independent Planning Commission consisting of a Chief Planning Commissioner and two other Planning Commissioners. It also provides for the establishment of a Planning Commission Secretariat consisting of such officers and staff as may be required.

Already a Planning Commission consisting of members and other officers is in existence. Therefore, no expenditure will be involved from the Consolidated Fund of India in respect of the proposed Planning Commission. However, additional expenditure may be involved from the Consolidated Fund of India in respect of salary etc. to be paid to some more officers who may have to be appointed for efficient discharge of the functions of the Planning Commission. Some more office accommodation, furniture etc. may also have to be provided for this purpose. It is estimated that an annual recurring expenditure of about Rs. 10 crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees 3 crore is also likely to be involved.

BILL No. 115 OF 1998

A Bill to provide for the constitution of a Commission for the purpose of determining the prices of all consumer goods.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Price Control Act, 1998.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. The Central Government shall constitute a Commission for the purpose of determining the prices of all consumer goods, including life saving drugs and medicines, produced in or brought into the country from abroad.

Explanation.— In this section, “consumer goods” means and includes rice, wheat, all types of cereals and non-cereals, clothes, vegetables, fruits and all other items meant for human consumption and use.

3. (1) The Commission shall consist of;—

(i) thirteen permanent members who shall be appointed by the Central Government from amongst those who have adequate knowledge and expertise in the field of economics, social sciences, agriculture and labour; and

Short title,
extent and
commencement.

Constitution of
a Commission
for determin-
ing prices of
all consumer
goods.

Members of
the Commis-
sion.

(ii) twenty-six temporary members who shall be nominated by the State Governments in such manner as may be prescribed.

(2) The Central Government shall appoint any member from amongst the permanent members of the Commission to be its Chairman.

(3) The Chairman and the permanent members of the Commission shall hold office for a period of five years and other members shall hold office for a period of two years from the date of their appointment or nomination as the case may be.

Duty of the Commission.

4. It shall be the duty of the Commission to determine the prices of all consumer goods including goods sold through public distribution system or in the open market, periodically after taking into account such factors as may be deemed necessary by the Commission while fixing the prices.

Punishment.

5. If any person sells any consumer goods at a price more than the price determined by the Commission, he shall be punished with imprisonment for a term not exceeding five years or with a fine not exceeding fifteen thousand rupees or with both.

Power to make rules.

6. The Central Government may, by notification in the Official Gazette, frame rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The prices of all essential goods are increasing day by day. At present, there is no mechanism to effectively control this menace. Essential Commodities are sold at different rates, sometimes within the same area. The shopkeepers charge prices for consumer goods at their own will. They do not display the price list of items sold by them. The poor and downtrodden and illiterate people are exploited by the unscrupulous shopkeepers. There is an immediate need to have a system which will help in stabilizing the prices of different essential commodities. It is, therefore, imperative to constitute a Commission for the purpose of determining the prices of all consumer goods including life saving drugs, medicines produced in or brought into the country from abroad. Those found guilty of not complying with the directions of the Commission should be severely punished. These measures will help in keeping the prices of essential commodities under control.

Hence this Bill.

NEW DELHI;
June 25, 1998.

PANABA LAKSHMI

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the constitution of a Commission for determining the prices of all consumer goods. Clause 3 of the Bill provides for the appointment of thirteen permanent members of the Commission by the Central Government. It also provides that the Commission shall also consist of twenty-six temporary members nominated by the State Governments. The respective State Governments shall bear the cost of their nominees. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. The annual recurring expenditure in respect of the Commission will be about rupees seven crore.

It is also likely to involve a non-recurring expenditure of about rupees five crore.

BILL No. 110 OF 1998

A Bill to regulate the functioning of private schools and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Private Schools (Regulation) Act, 1998.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases the Central Government;

(b) "Authority" means the Education Authority constituted by the appropriate Government under section 3;

(c) "prescribed" means prescribed by rules made under this Act; and

(d) "private school" means an unaided school whether recognised or not, which is not run by the appropriate Government, or its local authority or any other authority designated or sponsored by appropriate Government and includes a pre-primary, primary, middle, higher secondary and senior secondary school and also other institutions which impart education or training below the degree level but does not include an institution which imparts technical education.

Constitution of Education Authority.

3. (1) With effect from the appointed day, the appropriate Government shall, by notification in the Official Gazette, constitute an Authority in its territorial jurisdiction to be known as the Education Authority to regulate the functioning of the private schools and conditions of service of teachers working in those schools.

(2) The Authority shall consist of,—

(a) a Chairman to be appointed by the appropriate Government;

(b) not less than five members and not more than ten members to be appointed by the appropriate Government.

(c) such other officers and staff to assist the Authority as may be prescribed.

(3) The Chairman and other members referred to in sub-section (1) shall be chosen from among the persons who have special knowledge and experience in the field of education.

(4) The term of office and conditions of service of the Chairman and the members shall be such as may be prescribed.

Functions of Education Authority.

4. (1) Subject to the rules, if any, made by the Central Government in this behalf, it shall be the duty of the Authority to regulate the functioning of the private schools and conditions of service of teachers under its jurisdiction.

(2) Without prejudice to the generality of the provisions contained in sub-section (1) the Authority may,—

(a) prescribe the student-teacher ratio for each standard;

(b) put a ceiling on the tuition fee that may be charged by a school for a particular class;

(c) limit the hours of duty for teachers;

(d) monitor the funds collected by the schools; and

(e) perform such other function as may be prescribed.

Conditions of service of teachers.

5. (1) The Authority may make rules regulating the minimum qualifications for recruitment and the conditions of service of teachers of a private school.

(2) Subject to any rule that may be made in this behalf, no teacher of a private school shall be dismissed, removed or reduced in rank nor shall his service be otherwise terminated except with the prior approval of the Authority.

Salary, allowances and other benefits to teachers.

6. The salary, allowances, medical facilities, pension, gratuity, provident fund and other benefits of the teachers of the private school shall not be less than those of the teachers of the corresponding status in schools run by the appropriate Government.

Fees and other charges.

7. (1) No private school shall levy any fee or collect any other charges or receive any other payment except those specified by the Authority.

(2) Every school shall obtain prior approval of the Education Authority before levying such fees and collecting such charges.

(3) The Authority shall ensure that the amount collected by the private school shall be spent on the development of the school and for no other purposes.

8. If the appropriate Government on receipt of a report from the Authority is satisfied that the managing committee of any private school, has neglected to perform any of the duties imposed on it by or under this Act or any rule made thereunder and that it is expedient in the interest of school education to close down such school, it may, after giving reasonable opportunity of showing cause against the proposed action, close down such school for such period as may be prescribed:

Closing of School.

Provided that if the school is a recognised private school, the appropriate Government shall also withdraw the recognition.

9. The provisions of this Act shall not apply to schools run by religious or linguistic minorities.

Act not to apply to minority schools.

10. The provisions of this Act shall be in addition to and not in derogation of any other law or rules made thereunder.

Act not in derogation of other laws.

11. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty.

Power to remove difficulty.

12. The Central Government, may after consultation with the State Governments, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Now a days running an unaided private school has become a business. There are a number of unaided private schools throughout the country being run by a handful of persons. The main aim of these persons is to earn money rather than imparting good education. These schools are charging hefty tuition fee besides other charges in the name of donations, building funds, computer fee, etc. Not only this, these schools after availing the necessary tax concession are not investing the fund for the development of the schools. The teachers in these schools are underpaid and have no service benefits like medical facilities, provident fund, etc. There are cases of retrenchment/suspension of teachers without any reason whatsoever. The management works in connivance with officials. The women teachers are subjected to various kinds of harassments.

Education is not safe in the hands of such unscrupulous persons. Overcharging of fee on one hand and under payment to teachers on the other hand is the *modus operandi* of these people. The tax laws are violated with impunity.

Therefore, it becomes necessary to set up adequate mechanism to monitor, regulate and control the thriving education business not only to ensure that children get good education but also to protect people from exploitation.

Hence this Bill.

NEW DELHI;
June 25, 1998.

PANABAKA LAKSHMI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the appropriate Government shall, within its territorial jurisdiction, establish an Education Authority to regulate the functioning of the unaided private schools. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that a sum of Rs. 80 lakhs will be involved as recurring expenditure per annum from the Consolidated Fund of India.

Non-recurring expenditure to the tune of Rs. 10 lakhs is also likely to be involved.

BILL NO. 116 OF 1998***A Bill to prohibit the slaughter of cow and its progeny.***

WHEREAS article 48 of the Constitution enjoins on the State to organise agricultural and animal husbandry on modern and scientific lines and in particular to take steps for preserving and improving the breeds and prohibiting the slaughter of cow and its progeny;

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

Short title.

1. (1) This Act may be called the Ban on Cow Slaughter Act, 1998.

Definition.

2. In this Act, unless the context otherwise requires, "cow" includes a bull, bullock, ox, heifer or calf.

**Prohibition of
slaughter of
cow.**

3. Notwithstanding anything contained in any other law for the time being in force or any usage or custom to the contrary, no person shall slaughter or cause to be slaughtered or offer or cause to be offered for slaughter any cow in any place.

**Prohibition of
sale of beef.**

4. No person shall sell or offer for sale or cause to be sold beef products in any form except for such medicinal purposes as may be prescribed.

Punishment.

5. Any person who slaughters a cow or is caught selling beef shall be punished with imprisonment which may extend to ten years or with fine which may extend to rupees ten thousand or with both.

STATEMENT OF OBJECTS AND REASONS

Article 48 of the Constitution enjoins on the State to organise agricultural and animal husbandry on modern and scientific lines and in particular to take steps for preserving and improving the breeds and prohibiting the slaughter of cow and its progeny. In view of the consideration that the cow and its progeny must be saved with a view to provide milk, bullock power as well as manure, it becomes imperative to impose complete ban on the cow slaughter.

NEW DELHI;
July 17, 1998.

ADITYANATH.

BILL NO. 135 OF 1998

A Bill to protect the property rights of women and for matters connected therewith.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

Short title and extent.

1. (1) This Act may be called the Protection of Property Rights of Women Act, 1998.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means the Central Government or a State Government under whose employment the husband of the widow was at the time of his death;

(b) "prescribed" means prescribed by rules made under this Act; and

(c) "property" means movable and immovable property and includes all rights pertaining to property by way of lease, licence and inheritance.

Rights of an unmarried woman.

3. An unmarried woman shall have the following rights, namely:—

(a) she shall have the right to live in the house of her parents but shall not have the right to seek partition or disposal of such house;

(b) she shall have the right to claim an equal share in any property, other than the residential house or dwelling unit referred to in clause (a), as a coparcener to such property, whether such property is a joint-family property or any premises held on lease or licence or under any other arrangement by her parents:

Provided that she shall have the right to claim partition of such property, if she decides to remain unmarried after she attains the age of eighteen years or such other age of marriage as may be determined under any law for the time being in force;

(c) she shall have the right to claim an equal share, as a coparcener, in the gains of the family business of her parents; and

(d) she shall have right to claim an equal share in any property, as a coparcener, which is acquired by her parents by way of exchange or sale or transfer of any existing property or which is acquired by her parents by way of accretion or succession to any ancestral property or otherwise.

4. A married woman shall have the following rights, namely:—

(a) she shall have the right to live in the house of her husband whether owned by him or by his joint family or owned by him, solely or jointly, as a lessee or licensee:

Provided that such right shall not be void in the event of judicial separation, divorce or death of the husband;

Provided further that she shall also have the right to live in the residential house or dwelling unit of her parents, in case she is deserted or divorced by her husband, without seeking partition or disposal of whole or any part thereof;

(b) she shall have the right to claim an equal share, as a coparcener, in the property of her husband including that of in the joint family property of her husband, from the date of marriage, and like any other coparcener, she shall also have the right to claim partition or disposal of whole or part of such property:

Provided that in the event of disposal of part or whole of such property, the other coparcener shall have right to pre-emption;

(c) she shall have an option to have the custody of the children born out of the wedlock and shall have the right to claim maintenance, not inconsistent with the status of the family of her husband, from her husband, both for herself and for her children which shall include the expenses to be incurred on the education, training and upbringing of her children, in case of dissolution of marriage:

Provided that if in the interest of the education, training or upbringing of the children it is considered necessary or expedient to leave the children under the custody of the husband or any one else, she shall have the right to free access to the children born out of the wedlock, irrespective of estrangement, desertion, divorce or death of the husband.

(d) she shall have the right to claim an equal share in the gains of the business of her husband or in the family business of her husband or in any other business in which her husband is a partner.

5. A widow shall have the following rights, namely:—

(a) she shall, subject to such eligibility, as may be prescribed, be entitled to suitable employment by the appropriate Government or by the private enterprise, as the case may be, in which her deceased husband was employed at the time of his death:

Provided that if she is not eligible for any such employment, she shall be entitled to such monthly pension as would have been payable to her husband at the time of

Rights of a
married woman.

Rights of a
widow.

his deemed superannuation:

Provided further that if the death of her husband occurs during the performance of his duties, she shall be entitled to such monthly salary and allowances, as would have been payable to her husband till his deemed superannuation, besides any other compensation admissible to her under any other law for the time being in force;

(b) she shall have the first claim and absolute right to the property of her deceased husband;

(c) she shall be entitled to have such share and status, as the share and status of her deceased husband would have been, in the family business; and

(d) she shall have the right to live in the residential house or dwelling unit of her parents, in case she so desires, without seeking partition or disposal of whole or any part thereof.

Act to have overriding effect. 6. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Act not in derogation of other laws. 7. Save as provided in section 6, the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules. 8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall, as soon as may be after it is made, be laid before each House of Parliament for approval.

STATEMENT OF OBJECTS AND REASONS

In India, with a male-dominated society, the women constitute the most exploited and the weakest sections of the society. In the patriarchal set up as it is in India, women have traditionally little, rather negligible property rights. They have no status of their own. In their childhood they are wholly dependent on their parents or guardians, in their married life they depend on the sweet will, nay whims and fancies, of their husbands and in their widowhood they are just destitutes.

The Bill, therefore, seeks to codify and confer specific property rights on women at various stages of their life *i.e.*, in their childhood, unmarried and married life and in the event of desertion or destitution, so as to accord them a status and confer on them rights equal to their male counterparts, in true spirits of the "right to equality before the law" as enshrined in our Constitution.

Hence this Bill.

NEW DELHI;
October 26, 1998.

PANABAKA LAKSHMI

BILL NO. 140 OF 1998*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1998.

Substitution of new article for article 198.

2. For article 198 of the Constitution, the following article shall be substituted, namely:—

Special procedure in respect of Money Bills.

“198. (1) A Money Bill shall not be introduced in a Legislative Council.

(2) After a Money Bill has been passed by the Legislative Assembly of a State having a Legislative Council, it shall be transmitted to the Legislative Council for its recommendations, and the Legislative Council shall within a period of four days from the date of its receipt of the Bill return the Bill to the Legislative Assembly with its recommendations, and the Legislative Assembly may thereupon either accept or reject all or any of the recommendations of the Legislative Council:

Provided that if a Money Bill passed by the Legislative Assembly and transmitted to the Legislative Council for its recommendations is not returned to the Legislative Assembly within the said period of four days, or if the Legislative Assembly does not accept any of the recommendations of the Legislative Council, it shall be deemed to have been passed by both Houses at the expiration of the said period in the form in which it was passed by the Legislative Assembly.

(3) If the Legislative Assembly accepts any of the recommendations of the Legislative Council, the Money Bill shall be deemed to have been passed by both Houses with the amendments recommended by the Legislative Council and accepted by the Legislative Assembly.”.

STATEMENT OF OBJECTS AND REASONS

As per the provisions of the Constitution, Money Bills cannot be introduced in a Legislative Council. Moreover, when a Money Bill after having been passed by the Legislative Assembly is transmitted to a Legislative Council, the Legislative Council has to return the Bill within fourteen days from the date of receipt either with or without recommendations. The recommendations of the Council are also not binding on the Legislative Assembly. In the circumstances, the Legislative Council has very little powers with respect to Money Bills. Since a Legislative Council has very little powers with respect to Money Bills, the period of fourteen days prescribed for returning Money Bills to Assembly is considered too long.

Therefore, it is proposed to substitute article 198 of the Constitution with a view to providing that a Legislative Council has to return the Money Bill with or without recommendations to the Legislative Assembly within a period of four days instead of fourteen days as at present.

The Bill seeks to achieve the above objective.

NEW DELHI;
November 2, 1998.

K.C. KONDAIAH

BILL NO. 153 OF 1998

A Bill to provide for measures for population control and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Population Control Act, 1998.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means the Central Government in relation to Union Territories and State Government in relation to a State; and

(b) "prescribed" means prescribed by rules made under the Act.

3. If either the husband or the wife in the case of a married couple, who have only two living children on the date of commencement of this Act, voluntarily undergoes operation for birth control, the appropriate Government shall provide them with the following—

(a) cash reward for such an amount as may be prescribed, which shall be not less than rupees one thousand;

Short title,
extent and
commencement.

Definitions.

Benefits to
couple who opt
to undergo
sterilisation.

(b) suitable employment to one person in the family, if both husband and wife are unemployed; and

(c) free education to the children upto senior secondary stage including supply of books, note books, stationery, uniform free of cost.

4. (1) There shall be established Small Family-cum-Child Welfare Centres, hereinafter called the centres, by the appropriate Government for every five thousand of population in rural areas and for every twenty-five thousand of population in urban areas.

Establishment of
Small Family-
cum-Child
Welfare Centres.

(2) The centres shall guide the married persons in the use of preventive methods of birth control and provide them with suitable birth control devices free of any charge.

(3) There shall be made adequate arrangements at every centre for carrying out birth control operation and for the care of the persons who undergo operation and for supply of necessary medicines to them free of any charge.

(4) There shall be made adequate arrangements at every centre for providing complete and free medical care to every child upto the age of ten years.

(5) The Government shall take suitable steps to attract the people in rural areas to visit the centres and avail of the facilities provided at the centres.

5. Any person who, after a period of one year from the date of coming into force of this Act, procreates more than two living children,—

(a) the children of such person shall not be provided with free education or other facilities like hostel accommodation or supply of books and stationery free of cost;

(b) shall not be allotted any house or land in a housing scheme launched either by the appropriate Government;

(c) shall not be entitled to become a member of any cooperative society under the Cooperative Societies Act, 1912, for the purpose of aquisition of a house or plot of land for construction of house;

(d) shall not be allowed to avail of any loan or facility of any kind from any Government company or any financial institution under the control of appropriate Government;

(e) shall not be entitled to undertake any contract with any financial institution, company under the control of appropriate Government;

(f) shall not be entitled to have facilities of drawing ration from public distribution system and cooking gas from a Government company;

(g) shall not be entitled to free medical facilities from any hospital run or under the control of appropriate Government;

(h) shall be required to pay a fine of rupees one hundred per month for every child born after two living children;

(i) shall not be eligible for appointment in an establishment or office or public sector undertaking under the control of the Central Government.

6. Any Central Government employee or an employee of a public sector undertaking or establishment under the control of the Central Government who, procreates more than two living children, shall not be entitled to any increment or promotion in service.

7. No marriage shall be solemnised between a male, who is less than twenty-five years of age, and a female, who is less than twenty-one years of age.

8. (1) The Union Government shall establish a Department to be known as "Department of Population Control" to deal with measures for population control.

Disincentives for
not adopting
small family
norm.

Special
provision for
Government
employees.

Minimum age
for marriages.

Department of
population
control.

(2) The Department of population control shall give wide publicity through electronic network and newspapers/magazines, as often as possible, about the threat of increasing population in the country.

Punishment. 9. Any person who violates the provisions of section 7 shall be punished with imprisonment for one year and a fine of rupees ten thousand.

Act to have overriding effect. 10. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make rules. 11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

Poverty results in the growth of population and population growth in turn increases poverty. But no real impact can be made on this disease of uncontrollable population growth merely by creating a consciousness about family planning as long as that consciousness is not borne out by the day-to-day experiences of the masses. A separate Ministry may be established to deal with this major problem of the country i.e. population which offsets our development. Hence, this vicious circle can only be broken by better education, more social welfare measures and enlargement of employment opportunities, in addition to monetary motivation for birth control. Enactment of a legislation providing for such motivations for birth control, is therefore, necessary to achieve the objective of population control.

Hence this Bill.

NEW DELHI;
November 16, 1998.

SUKHDA MISHRA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for payment of cash rewards to those who undergo birth control operation after having two children and suitable employment and other facilities to such persons who are unemployed. Clause 4 provides for establishment of Small Family cum-Child Welfare Centres by the Government, free arrangements at these centres for carrying out birth control operations, post-operation care and supply of medicines free of any charge. It also provides for complete medical care to the children upto the age of ten years free of any charge. Clause 8 provides for establishment of a separate Department of population control to deal with measures for population control and to give wide publicity by the Government to the provisions of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India on implementation of these provision in the Union territories and at the same time towards making grants-in-aid to the States to meet a part of this expenditure. An annual recurring expenditure of about rupees ten thousand crore is estimated to be incurred from the Consolidated Fund of India on this account.

A non-recurring expenditure of about rupees five hundred crore is also likely to be incurred.

BILL NO. 146 OF 1998*A Bill further to amend the Constitution of India.*

Be it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

- | | |
|--|-----------------------------|
| 1. This Act may be called the Constitution (Amendment) Act, 1998. | Short title. |
| 2. In the Preamble to the Constitution and wherever it occurs in the Constitution, for the word "India", the word "Bharat" shall be substituted. | Amendment of Preamble, etc. |
| 3. In article 1 of the Constitution, for the words "India, that is Bharat", the word "Bharat" shall be substituted. | Amendment of article 1. |

STATEMENT OF OBJECTS AND REASONS

Under Article 1 of the Constitution, the name of our country is "India, that is Bharat shall be a Union of States".

It will be appropriate if the name of our country is known as "Bharat" instead of "India that is Bharat".

It is noted that the two Houses of Parliament in India were formerly known as "House of the People" and "Council of States". The nomenclatures were changed to "Lok Sabha" and "Rajya Sabha" which have since become popular in our country as also abroad.

The Bill accordingly seeks to amend the Constitution with a view to changing the nomenclature of our country.

Hence this Bill.

NEW DELHI;
November 18, 1998.

HARPAL SINGH SATHI

BILL NO. 158 OF 1998

A Bill to provide for the establishment and control of National Parks and for matters connected therewith.

Be it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the National Parks Act, 1998.

Short title,
extent and
commencement.

(2) It extends to whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Director General" means the Director-General of Wild Life and National Parks appointed under section 7;

(b) "Gazette" means the Gazette of India;

(c) "National Park" means a National Park established under section 3; and

(d) "Officer" means the Director-General or any other person referred to in section 7.

Reservation of land and declaration of National Parks.

3. (1) The State Government may on the request of the Central Government reserve any land in the State (including any marine area) for the purpose of a National Park under a name to be assigned to it by the Central Government.

(2) After the land is so reserved by the State Government, the Central Government may declare its intention to constitute such area as a National Park.

(3) The area so reserved shall be placed under the control of a National Park Committee established under section 6.

(4) The reservation of land under this section shall not be revoked except with the concurrence of the Minister concerned in writing.

(5) Any reservation of land under this section shall be notified in the Gazette and such notification shall—

(a) describe the reserved land;

(b) designate the authority having the control of the land so reserved; and

(c) be conclusive evidence that the land so described is reserved for the purpose of this Act.

Formation of Advisory Council.

4. (1) There shall be a National Parks Advisory Council which shall consist of the following members, namely:—

(a) a Chairman to be appointed by the Central Government;

(b) one representative nominated by the State Government from each of the States in which there is a National Park or part thereof;

(c) the Director-General of Wild Life and National Parks;

(d) a representative of the Department of Planning and Development of the State in which there is a National Park or part thereof;

(e) a representative of the Tourism Development Corporation, if any, of the State in which there is a National Park or part thereof;

(f) a representative of the Department of Forest of the State in which there is a National Park or part thereof; and

(g) not more than five persons to be appointed by the Central Government.

(2) A member appointed under clause (a) or (g) of sub-section (1) shall hold office for such period of time as the Central Government may decide and that Government may at any time remove him from office without assigning any reason therefor.

Function of Advisory Council.

5. (1) The National Parks Advisory Council shall advise the Central Government on matters relating to the conservation, utilization, care of National Parks, declared as such by the Central Government, and such other matters as that Government may from time to time refer to it or on matters which it considers necessary on its own.

(2) Subject to regulations made under this Act, the Advisory Council shall determine its procedure at its sittings.

Formation of Committee for each National Park.

6. (1) A Committee shall be constituted by the Central Government for each National Park consisting of the following members, namely:—

(a) the Secretary of the Forest Department of each State within which the National Park is situated;

(b) a representative each of such departments of the Government of the State as the Central Government may consider necessary to be represented;

(c) such other persons not exceeding three in number as the Central Government may appoint and the provisions of sub-section (2) of section 4 shall apply *mutatis mutandis* in the case of an appointment under this clause.

(2) The Secretary of the Forest Department of the State shall be the Chairman of the Committee, but where a National Park is situated within two States or more, the Secretaries of Forest Departments of such States shall act as Chairman in rotation and, subject to regulations made under section 11, the Committee shall determine its procedure at its sittings.

(3) A Committee constituted under this section shall be responsible for the conservation, utilization, care, control, management and development of National Park for which it is constituted and, in discharging its responsibility under this Act, the Committee shall act on such directives as the National Parks Advisory Council may issue from time to time.

7. The Central Government shall, for purposes of this Act, appoint a Director-General of Wild Life and National Parks, and such other officers and employees as may be necessary.

Appointment of
Director-
General, etc.

8. (1) The Director-General and other officers appointed by the Central Government shall be responsible for the proper carrying out of the provisions of this Act and in so doing persons shall be referred to by the designation given to them under this Act.

Functions of
the Director-
General.

(2) The Director-General shall have the general supervision and direction of all matters relating to National Parks.

(3) The Central Government may from time to time give the Director-General directions of a general character and not inconsistent with the provisions of this act as to the exercise of the powers conferred on, and the duties to be discharged by the Director-General under this Act and the Director-General shall give effect to all such directions.

9. (1) The State Government may with the concurrence of the Central Government lease or permit the use or occupation of any land within a National Park subject to such conditions and restrictions as it thinks fit to impose and for any of the following purposes only, namely:—

Giving leases
in National
Parks.

(a) the construction and maintenance of roads;

(b) the construction and maintenance of air strips;

(c) the construction and maintenance of dams and reservoirs;

(d) the construction and maintenance of hotels, rest houses, dwelling houses, buildings and works of public utility, where the State Government considers any of these purposes to be necessary and in the interests of the development of the National Parks; and

(e) mining or prospecting in accordance with the provisions of section 10.

(2) Any land leased by the State Government or in respect of which any use or occupation has been permitted by the State Government under sub-section (1), shall continue to form part of National Park and the subject to the provisions of this Act, and of any regulations made thereunder save in so far may be set out in any condition or restriction imposed by the State Government under sub-section (1).

(3) Subject to this Act, any lease or permit to use or occupy land under this section shall be issued in accordance with the regulations hereafter provided.

(4) Save by virtue of any right conferred by or acquired under or in respect of any lease or permit under sub-section (1) or as otherwise in this Act provided, no person other than an officer may reside on, enter, use or occupy any land within and forming part of a National Park without the permission of the Director-General.

10. (1) Except as provided in sub-section (2) of this section, no mining or prospecting operations shall be carried on within a National Park.

Mining leases.

(2) If at any time the State Government has reason to believe that in a particular portion of a National Park a mineral deposit exists of such richness that it would be contrary

to the interests of the State that it should not be mined, the State Government may with the concurrence of the Central Government, issue under the law relating to mining, licences to prospect that portion of the National Park and if necessary issue thereafter mining certificates or mining leases in respect of that portion of the National Park or of any part of that portion.

(3) Where any mining certificate or mining lease is used in respect of any land within a National Park, the holder of the certificate or the lease shall have such rights of passage, licences or other facilities as may be necessary for the practical exercise of the rights guaranteed by such certificate or lease.

(4) Notwithstanding anything in the law relating to mining, there shall be an implied condition in a mining certificate or mining lease issued pursuant to this section that any officer shall have such rights of entry into the land in respect of which a licence to prospect, a mining certificate or a mining lease has been issued as may be necessary in order that he may carry out the object of this Act in respect of such land of the National Park generally.

**Power of
Central
Government to
make
regulations.**

11. (1) The Central Government may make regulations, not inconsistent with this Act, as to any or all the following matters, namely:—

(a) the exclusion of members of public from certain areas within a National Park;

(b) the prohibition of the killing, maiming, trapping, capturing or impounding of any wild life within a National Park and the disposal of such wild life killed, maimed, trapped, captured or impounded;

(c) the prohibition of such animals, as may be specified, from being taken into or remaining within a National Park;

(d) the burning and cutting of vegetation within a National Park;

(e) the disposal of wild life, vegetation or other things formed within a National Park;

(f) the search of any person suspected of contravening any regulation made under this Act;

(g) the periods and times within which the public may have access to a National Park or any part thereof;

(h) the regulation of the conduct, obligation and duties of persons residing or travelling or camping in a National Park and the safety of persons visiting such Park and their liability for all reasonable expenses incurred in connection with searches to find persons who have become or are reasonably believed to have become lost therein;

(i) the fees for the issue of permits to enter into or camps within a National Park, for the admission of vehicles into and the taking of photographs within a National Park or for the services connected with the use of enjoyment of a National Park;

(j) the protection, preservation and care of a National Park and of permanent works and works of maintenance and of facilities and amenities and of wild life, and regulation and features of science, and scientific or historical interest therein;

(k) the regulation of traffic and carriage of passengers within a National Park;

(l) the seizure and disposal of any vehicle, vessel, animal or other article or thing in respect of which there is a contravention of any regulation made under this Act;

(m) penalties in respect of the contravention of any regulation made under this Act;

(n) the construction and maintenance of hotels, rest houses, dwelling houses, buildings and works of public utility;

(o) the powers and duties of officers in relation to the carrying out of the provisions of this Act and regulations made thereunder;

(p) the procedure to be adopted by the National Parks Committees at their meetings and the remuneration or allowances to be paid to members thereof; and

(q) such other matters as the Central Government may consider necessary for the efficient control and management of a National Park or for the attainment of the object of its establishment.

(2) The Central Government may make different regulations under sub-section (1) of this section in respect of different National Parks.

STATEMENT OF OBJECTS AND REASONS

The object of the establishment of National Parks is the preservation and protection of wild life, plant life and objects of geological, archaeological, historical and other scientific and scenic interest and through their conservation and utilization to promote the education, health, aesthetic values of recreation of the people.

Hence this Bill.

NEW DELHI;
November 18, 1998.

ULHAS VASUDEO PATIL

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the formation of a National Parks Advisory Council; Clause 6 for formation of a Committee for each National Park. Clause 7 for appointment of a Director-General of Wild Life and National Parks and such other officers and employees as may be necessary. Payment of travelling allowance, etc. to members of the Advisory Council and National Park Committees, and salaries to Director-General and other officers is likely to involve an annual recurring expenditure of about rupees ten lakhs from the Consolidated Fund of India.

An amount of about rupees ten lakhs will also be involved from the Consolidated Fund of India towards non-recurring expenditure.

BILL NO. 160 OF 1998

A Bill to provide for measures to promote tourism in the country.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Tourism Promotion Act, 1998.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) 'appropriate Government' means the Central Government or a State Government, as the case may be;

(b) 'Director-General' means the Director-General of Tourism Promotion Corporation of India established under section 3;

(c) 'prescribed' means prescribed by rules made under this Act; and

(d) 'tourist centre' means a centre which is declared as a tourist centre by the appropriate Government.

3. (1) The Central Government shall establish a Corporation to be known as Tourism Promotion Corporation of India with its headquarters at New Delhi.

Establishment
of a Tourism
Promotion
Corporation of
India.

(2) The Corporation shall set up an office in the capital city of each State and Union territory:

Provided that the Corporation may set up an office at any other place with the previous approval of the Central Government.

Staff.

4. (1) The Corporation shall consist of a Director-General and such number of Directors and Officers as may be required for the efficient functioning of the Corporation.

(2) Each office of the Corporation shall be headed by a Director and shall consist of such number of officers and other staff as may be required.

5. The Corporation shall,—

Setting up of
hotels,
restaurants,
motels.

(i) set up hotels, restaurants, motels in all tourist centres catering to different types of tourists; and

(ii) create suitable infrastructure at all tourist places for the convenience of tourists.

6. The Corporation shall, in consultation with all State Governments, formulate a tourism policy as early as possible.

Formulation of
tourism policy.

7. The Corporation shall give wide publicity of its policy and projects through television and radio network, media and in all other forms of communication to which public have easy access.

Publicity of
policy and
projects.

8. (1) The Corporation shall organise cultural functions at various tourist places at regular intervals with a view to creating awareness among the general public and the visiting foreign tourists about the culture and tradition of our people belonging to different regions.

Organisations of
cultural
functions.

(2) For the purpose of sub-section (1), the Corporation shall co-ordinate with the Ministry of Culture of the Union Government and of the State Governments and other cultural organisations in the country.

(3) The Corporation shall coordinate with Archaeological Survey of India with a view to preserving and promote monuments declared as of national importance.

9. The Corporation shall set up an office in each country and at such place as it may deem fit:

Establishment
of office in
Foreign
countries.

10. (1) The Corporation shall, in co-ordination with Indian embassy in each country, organise cultural functions with a view to depicting our culture and tradition in that country.

Co-ordination
with embassy.

(2) For the purpose of sub-section (1), the Corporation may send experts in the fields of art, music and such other like form of activity to foreign countries to perform programmes depicting Indian culture.

11. The Corporation shall make necessary arrangements at every international and such other airports from where Airlines, both national and other carriers, operate their flights to and from foreign countries to assist all foreign tourists who wish to

Arrangements
in airport.

visit different tourist centres and also to arrange for their accommodation in rail and air journey, tourist buses operated by the corporation and other State Governments and in hotels and motels operated by the corporation.

Provision of
paying guest
accommodation.

12. (1) The corporation shall arrange accommodation to tourists in tourist centres, where there is no hotel run by corporation, through paying-guest accommodation.

(2) For the purpose of sub-section (1), the Corporation may invite applications from all those who intend to let out their residential units for paying-guest accommodation.

(3) After making such enquiry as it may deem fit, the corporation may register such houses for paying-guest accommodation for arranging accommodation for tourists.

(4) The corporation may fix the charges to be levied for the paying-guest accommodation.

Conducting of
organised tours.

13. The Corporation shall conduct organised tours between different tourist centres through buses and other modes of transport.

Power to make
rules.

14. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

India is a large country having vast tourism potential. However, it has not been exploited fully to the advantage of the country. Every year lakhs of tourists visit our country from abroad.

It is a known fact that the foreign tourists face a lot of hardship and unpleasant experience while they travel in our country. They get cheated by middlemen, touts and others for arranging reservation in journey, hotels, etc. They carry a bad impression about our country on their return. As a result, prospective tourists are discouraged from visiting our country. Consequently there is a heavy loss of foreign exchange to our Government.

India is a vast country having different culture and traditions and various languages. People of one region are not aware of the culture and tradition of people belonging to other regions. As such they face a lot of difficulties while visiting important tourist places. Therefore, it is proposed to set up a Tourism Promotion Corporation with a view to promote tourism in the country and attract foreign tourists in large numbers. It is also proposed to provide that the corporation shall function with a professional approach in order to perform its functions effectively.

Hence this Bill.

NEW DELHI:
November 18, 1998.

ULHAS VASUDEO PATIL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall set up a corporation to be known as Tourism Promotion Corporation of India with its headquarters at New Delhi and an office in each State and Union Territory. Clause 4 provides that the corporation shall consist of a Director-General, number of Directors and Officers. Clause 5 provides that the corporation shall set up hotels, etc. and create suitable infrastructure in all tourist places. Clause 6 provides that the Corporation shall formulate a tourism policy. Clause 7 provides that the corporation shall give wide publicity of its policy and projects. Clause 8 provides that the corporation shall organise cultural functions at various tourist places. Clause 9 provides that the corporation shall set up an office in each country. Clause 10 provides that the corporation shall organise cultural functions in all foreign countries. Clause 11 provides that the corporation shall set up an office in every international airport in the country.

The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of rupees three hundred crore from the Consolidated Fund of India. A non-recurring expenditure of rupees five hundred crore is also likely to be involved.

BILL NO. 162 OF 1998

A Bill to provide for nationalisation of inter-State rivers for the purpose of equitable distribution of river waters among the States and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Nationalisation of Inter-State Rivers Act, 1998.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means the State Government in case of a State and the Central Government in all other cases;

(b) "inter-State river" means any river which has its source in one State and passes through two or more States including the States in which the river has its origin before it sub-merges into the sea and also includes, a lake, tank, rivulet, which has its source from a river which is an inter-State river; and

(c) "prescribed" means prescribed by rules made under this Act.

No State to have right over an inter-State river.

3. Notwithstanding anything contained in any other law for the time being in force, no State shall have exclusive right over an inter-State river or to its use.

Only Central Government to have right and control over inter-State rivers.

4. On and from the date of commencement of this Act, the Central Government shall and no other State or States shall have exclusive right and control over all inter-State rivers.

State Government to forward requirements for water/electricity.

5. (1) Every appropriate Government shall forward its requirement of waters for all purposes, including irrigation and drinking water to the Central Government and also its requirements for electricity.

(2) While forwarding its requirements, every appropriate Government shall indicate the rivers, which are not inter-State rivers, and their status and any dam constructed within the State on any river, including an inter-State river, and its capacity for storage of water and electricity generated from those rivers.

(3) Every appropriate Government shall also indicate the average rainfall in the State during the last three years in different seasons and the amount of rainfall during the current year.

Central Government to distribute inter-State river waters.

6. (1) It shall be the duty of the Central Government to distribute river waters of every inter-State river to the States within which such rivers passes through.

(2) While distributing river waters, the Central Government shall take into consideration the following factors:—

- (a) the population and area of each interested State;**
- (b) the land available for farming in each State;**
- (c) the requirements for drinking water and for agricultural and other purposes in each State;**
- (d) the length of inter-State river passing through each State; and**
- (e) the requirements and availability of electricity in each State.**

Central Government to construct hydro-electrical plants on inter-State rivers.

7. (1) On and from the date of commencement of this Act, no appropriate Government shall construct any hydro-electrical plant or project on any inter-State river or based on it.

(2) The Central Government shall have exclusive right and control to construct any power plant meant for power generation on any inter-State river and shall distribute electricity in such ratio, among the States through which the inter-State rivers pass, as may be prescribed.

(3) Every appropriate Government shall pay to the Central Government in such ratio as may be prescribed for the electricity it receives from any hydro electrical plant or project constructed on an inter-State river.

Power to make rules.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

India is a union of States. There are many rivers, big or small flowing through many States before they sub-merge into the nearest sea. Today half of our population do not have access to potable water. Water is also not available for irrigation and other purposes. As a result, production of agricultural products has been considerably reduced.

It has been observed that many States through which a river flows, fight for considerable share of river waters and try to deprive the just and due demand of other States. Consequently many cases are pending in tribunals for settlement. It is a common knowledge that tribunals take a long time before delivering judgement. In the meanwhile the affected States fight each other for the share of water from the inter-State rivers and as a result, there is always strained relation among the States.

Therefore, it is proposed that only the Central Government shall have exclusive right and control over all inter-State rivers and it shall distribute river waters according to pre-determined formula for allocation of waters. It is proposed that the Central Government shall also have exclusive right over electricity projects constructed on inter-State rivers. This measure will not only enable distribution of river water among the different States without affecting the interests of the concerned States but also to enable proper utilisation of available resources.

NEW DELHI;
November 18, 1998.

ULHAS VASUDEO PATIL

FINANCIAL MEMORANDUM

Clause 7 of the Bill provides that the Central Government shall construct hydro electrical plants or projects on inter-State rivers. Though there is a provision that every State Government shall pay to the Central Government in such ratio as may be prescribed for the electricity it receives, yet some expenditure will be incurred from the Consolidated Fund of India. It is likely that an annual recurring expenditure of about rupees five hundred crore will be involved. A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

BILL No. 157 OF 1998

A Bill to provide for a comprehensive health insurance scheme in the country and for matters connected therewith.

Be it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Health Insurance Scheme Act, 1998.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Corporation" means the Health Insurance Corporation of India established under section 3;

(b) "doctor" means and includes a physician practising in any recognised system of medicine;

(c) "hospital" means and includes any clinic, dispensary, medical first-aid centre, hospitals, nursing home, medical consultancy centre, indoor treatment centre, a research centre, where patients are treated and includes a place where medical consultation can be had.

(d) "medicine" means and includes any drug or medicine, whether used internally or externally, or any life saving support system or any medicine required for physical and mental well being and includes all systems of medicine;

(e) "prescribed" means prescribed by rules made under the Act; and

(f) "treatment" means and includes consultation, prescription, any investigation leading to discovery of disease, any type of treatment provided by any hospital and includes replacement of human organs and any treatment for physical and mental well being of the patient.

Establishment
of Health
Insurance
Corporation of
India.

3. (1) The Central Government shall establish a corporation to be known as "Health Insurance Corporation of India" with its headquarters at New Delhi.

(2) The corporation may set up regional offices at every State capital and at such other places as it may deem fit.

(3) The corporation shall set up a branch office in every city having a population of more than one million and in every district:

Provided that the corporation may set up more than one branch in a district in accordance with population and requirement.

Constitution of
Board.

4. (1) The corporation shall be managed by a Board consisting of—

(a) a Chairman, to be appointed by the Central Government;

(b) members to represent the following:—

(i) a representative of Union Ministry of Finance;

(ii) a representative of Union Ministry of Health and Family Welfare;

(iii) a representative of Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956.

31 of 1956.

(iv) a representative of medical profession;

(v) a representative of banking service;

(vi) a representative of distinguished social service; and

(vii) a representative of legal profession.

Qualification,
term of
appointment of
Chairman and
members.

5. The qualification, terms of appointment of Chairman and members of the Board and conditions of service and salaries and other allowances of the Chairman shall be such as may be prescribed.

Appointment of
officers and
employees.

6. The Central Government shall appoint necessary officers and other employees for efficient functioning of the corporation.

Formation of
Insurance
scheme.

7. The Corporation shall frame an insurance scheme for providing medical and health care to all citizens of the country.

Entitlement of
benefits under
this Act.

8. (1) On and from the date of coming into force of this Act, every citizen of the country shall be entitled to benefits under this Act.

(2) For the purposes of this Act, a "family" shall be treated as a unit.

Explanation.—In this sub-section, the expression "family" means husband, wife, minor sons and daughter, dependent brother, sister, parents and sons/daughters.

9. Every family shall be given an identity card, consisting of the details of members of family who shall be entitled to benefits under the Act, and whether entitled to specialised treatment or not and such other particulars as may be prescribed.

Issue of Identity Cards.

10. (1) Every family shall pay such amount as premium as may be prescribed to avail of benefits under this Act.

Payment of amount of premium.

(2) While fixing the premium amount, the following factors may be taken into consideration, namely:—

(i) the number of members in a family;

(ii) the annual income of the family;

(iii) any previous history of disease or any medical problem to any member of the family;

(iv) the number of average visits to a hospital during the previous year.

11. The premium shall be payable by a family on such terms and conditions as may be prescribed.

Terms and conditions for payment of premium.

12. The premium shall be payable at the following places:—

(i) any branch of the Corporation; or

(ii) the nearest commercial or cooperative bank; or

(iii) mobile outlets of the Corporation; or

(iv) such other place as may be fixed by the Corporation.

Places for payment of premium.

13. No family shall be entitled to benefits under this Act unless the full amount of premium has been paid.

Non-availability of benefits for non-payment of premium.

14. Every family shall be entitled to the following benefits, namely:—

(a) treatment from any hospital or a doctor;

(b) medicine from any medical shop:

Benefits.

Provided that the Corporation may, on its discretion, allow a person to be entitled for specialised treatment on payment of such premium as it may determine.

15. Subject to the provisions of this Act, any person availing of benefits under this Act, shall not be required to pay for the treatment or for the cost of medicines or for services availed in a hospital or a medical shop, as the case may be.

No payment for treatment, medicines or other services.

16. (1) The concerned hospital or doctor or medical shop shall not charge any money for the treatment provided to a patient or for cost of the medicines sold to him.

No charge for any medicine or treatment.

(2) The charges in connection with treatment or cost of medicines shall be reimbursed by the Corporation.

17. Any hospital or doctor or a medical shop may make an application to the nearest branch of the Corporation for reimbursement of expenses in connection with the treatment or for the cost of medicines, as the case may be.

Reimbursement of expenditure for treatment, medicine, etc.

18. The Corporation shall, as soon as possible but in any case not later than ten days from the date of receipt of an application under section 17, make the payment.

Time limit for making payment by Corporation.

Punishment.

19. Any person violating the provisions of section 16 shall be punishable with a fine of rupees one thousand.

Overriding effect of the Act.

20. The provisions of this Act shall have effect notwithstanding anything contrary contained in any other law for the time being in force.

Power to make rules.

21. The Central Government may, by notification in the Official Gazette, make rules for carrying out purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

In our country, millions of people are living below poverty line and without any proper medical and health care. Medical care in our country is not upto the standard. Only very few people have access to good and specialized treatment.

Though, number of hospitals have increased over the years, yet they are not adequate to meet the increasing population. With the scarce resources available, the Government cannot take upon itself to provide best health care to its citizens.

At present, some insurance companies provide for health insurance. However, such schemes are not comprehensive in nature and cover only a selected section of the society and are limited to a few diseases only. Moreover, insurance companies are not exclusively connected with health insurance.

Therefore, it is proposed to set up an insurance corporation exclusively for providing best health care to citizens. The beneficiaries will be required to make payment of premium depending upon number of members in the family, income, etc. However, they will be entitled to comprehensive health care.

The Bill seeks to achieve the above objective.

NEW DELHI;
November 18, 1998.

ULHAS VASUDEO PATIL

FINANCIAL MEMORANDUM

Clause 3 provides for the establishment of Health Insurance Corporation of India. It further provides for setting up of regional offices and branches. Clause 4 provides for appointment of Chairman and other members of the Board who shall manage the corporation. Clause 5 provides for salaries and allowances of the Chairman and members. Clause 6 provides for appointment of officers and employees of corporation. Clause 7 provides for framing of an insurance scheme. Clause 9 provides for issuance of identity cards to beneficiaries. Clause 14 provides for free treatment and medicines to beneficiaries. Clause 18 provides that the corporation shall reimburse the expenditure to hospital doctors and medical shops in connection with the treatment of patients. Though the corporation will be receiving premium from the beneficiaries, yet the corporation has to incur some expenditure over and above the premium amount.

The Bill, therefore, will involve expenditure from the Consolidated Fund of India.

It is likely to involve an annual recurring expenditure of about rupees five thousand crore. A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

BILL NO. 144 OF 1998

A Bill to provide the Indian citizens living abroad with the right to vote in elections to the House of the People and the Legislative Assemblies of the States.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Citizens Abroad (Voting Right at Elections) Act, 1998.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act unless the context otherwise requires,—

Definitions.

(i) "Commission" means the Election Commission appointed by the President under article 324 of the Constitution;

(ii) "Electoral Officer" means Electoral Officer as provided in the Representation of the People Act, 1950; and

(iii) "prescribed" means prescribed by the rules made under this Act.

Right to vote to Indian citizens living abroad.

3. Notwithstanding anything contained in any other law for the time being in force,—

(i) all Indian citizens who are living abroad and who retain their Indian citizenship shall have the right to exercise their franchise in elections to the House of the People and the Legislative Assemblies of the States in the country;

(ii) the names of such Indian citizens mentioned in sub-clause (i) shall continue to be registered in the electoral rolls of the constituency in which they were residing before leaving the country; and

(iii) the Commission shall make suitable arrangements in such manner as may be prescribed, to enable the Indian citizens living abroad whose names have been entered in the electoral rolls to exercise their franchise at every election to the House of the People and the Legislative Assemblies of the States.

Diplomatic and Consular Officer to assist Election Commission.

4. The Head of Diplomatic Mission or Consular Officer of the Government of India, as the case may be, in a foreign country shall be designated as an Electoral Officer, who shall act in aid of Commission in the discharge of its functions under section 3.

Commission to prepare electoral rolls of Indian citizens living abroad.

5. (1) The Commission shall prepare separate electoral rolls of Indian citizens living abroad for each constituency referred to in section 3.

(2) A copy of the electoral rolls as prepared under clause (1) shall be sent to all Heads of Diplomatic Missions or Consular Officers of the Government of India.

Power to make rules.

6. (1) The Central Government may make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for,—

(a) the registration, preparation and publication of the voters' list of the Indian citizens living abroad; and

(b) any other matters which is to be or may be prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The Indian citizens living in foreign countries are taking keen interest in the affairs of the country. Their interests in various developmental schemes including their contribution in the mobilisation of resources for India are commendable. But it is a matter of regret that in the absence of statutory provisions, they have no right to exercise their franchise in the elections to the State Legislatures and Parliament held in the country.

Since the names of most of these Indian nationals are not entered in the electoral rolls of the constituencies in which they were residing before leaving the country, they are not able to exercise their franchise. They do not have any facility to receive the ballot paper in the countries they are living to cast their votes in the elections to the State Legislatures and to the Parliament.

In view of the vital role they play in the affairs of the country, those Indian nationals living abroad and who have retained their Indian citizenship should be given the right to vote and necessary arrangements should be made for registering them as voters in the constituencies they were residing before leaving the country. This step would fulfil the aspirations of the Indian citizens living abroad.

This Bill seeks to achieve this objective.

NEW DELHI;
November 13, 1998.

E. AHAMED

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for making suitable arrangements to enable the Indian citizens living abroad to exercise their franchise at elections to Lok Sabha and State Legislatures. Clause 5 provides that the Election Commission shall prepare separate electoral rolls of Indian citizens living abroad. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees twenty lakh per annum.

A non-recurring expenditure to the tune of rupees ten lakhs is also likely to be involved.

BILL NO. 154 OF 1998

A Bill to provide for setting up a fund for the welfare of unorganised labour.

Be it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Unorganised Labour Welfare Fund Act, 1998.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless there is anything repugnant in the subject or context—

Definitions.

(a) "employer" means any person who employs whether directly or indirectly or through another person, or whether on behalf of himself or any other person, one or more employees who come within the definition of "organised labour" given in clause (c) of this section.

(b) "organised labour" means and includes all labour unions which have been recognised by or under the authority of the Trade Unions Act, 1926.

(c) "prescribed" means prescribed by rules made under this Act.

(d) "unorganised labour" means any class of person employed for hire or reward to do any work, skilled or unskilled, manual or clerical and includes any class of out-workers to whom any articles or materials are given out by another person to be made up, cleaned, washed, altered, ornamented, finished, repaired, adapted or otherwise processed for sale for the purposes of trade or business of that other person where the process is to be carried out either in the home of the out-workers or in some other premises not being premises under the control and management of that other person and also includes agricultural labour; and

(e) "welfare fund" means the welfare fund set up for the welfare of unorganised labour under this Act.

Unorganised labour welfare fund.

3. The Central Government shall, by notification in the Official Gazette, create a fund to be known as Unorganized Labour Welfare Fund which shall be administered in such manner as the Central Government may prescribe.

Contribution by members of organised labour.

4. Every member of organised labour who is in receipt of total emoluments of not less than Rs. 1,000/- per mensem, shall contribute one per cent. of his total emoluments to the welfare fund.

Contribution by Central Government, States and Union territories.

5. The Central Government shall contribute to the welfare fund to the extent of twenty-five per cent. of the total annual contribution collected from the organised labour while every State and Union territory shall contribute to the extent of twenty-five per cent. of the total contributions collected in the respective State or Union territory.

Duty of employer.

6. It shall be the duty of every employer to deduct the amount referred to in section 4 from the emoluments paid to a member of organised labour and deposit the total amount so deducted to the welfare fund in the prescribed manner.

Utilisation of fund.

7. All moneys received in the welfare fund shall be utilised for the welfare of the unorganised labour in such manner as the Central Government may prescribe, with the purpose of organising such labour to come progressively within the purview of organised labour.

Power to create posts and make appointments.

8. The Central Government shall have power to create posts and appoint persons to such posts in the prescribed manner for the proper administration of the welfare fund.

Advisory Committee.

9. (1) The Central Government shall, in consultation with the Government of the respective State or Union territory, as the case may be, appoint advisory committee for every State and Union territory to advise the Central Government for administering the welfare fund.

(2) The terms and conditions of appointment of advisory committee and their members shall be such as may be prescribed.

Punishment.

10. Whoever contravenes the provisions of this Act or the rules made thereunder shall, if he is an employer, be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five thousand rupees or with both; and if he is a member of organised labour for a term of ten days or with fine which may extend to twice the amount of contribution he is liable to pay under this Act.

Power to make rules.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may—

(a) prescribe the manner for deducting the amount to be contributed by a member of organised labour under section 4 of this Act and for depositing it in the welfare fund by the employer;

- (b) prescribe the manner for administering the welfare fund;
- (c) prescribe the manner for utilisation of moneys received in the welfare fund;
- (d) prescribe terms and conditions of persons appointed to administer the welfare fund;
- (e) prescribe the mode and manner of constitution of State Advisory Committees and the terms and conditions of appointment of the members thereof; and
- (f) provide for any other matter which is to be or may be prescribed.

(3) Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made the rule thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

For quite some time the minds of the legislators, public workers, leaders and other learned persons are agitated over the fact that although the organised labour, through its power of strike/agitation manages to get its demands, reasonable or unreasonable, fulfilled but the unorganised labour which constitutes the major chunk of working classes in the country, feels helpless in getting its reasonable demands for minimum wages etc. fulfilled. It is, therefore, the duty of every member of organised labour class as well as of the Governments at the Centre, States and Union territories to contribute their mite to the welfare of unorganised labour.

The Bill seeks to provide for a modality through which organised labour class as well as the Governments at the Centre, States and Union territories are required to contribute to the welfare of their brethren scattered all over the country in an unorganised manner.

NEW DELHI;
November 13, 1998.

E. AHAMED

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to create a fund for the welfare of unorganised labour. Clause 5 of the Bill provides that the Central Government shall contribute twenty-five per cent of the total annual contribution collected from organised labour to the Unorganised Labour Welfare Fund. Clause 8 of the Bill empowers the Central Government to appoint persons to posts created by it for the proper administration of the fund. Clause 9 of the Bill provides for appointment of advisory committees for the States and Union territories to advise the Central Government for administering the welfare fund. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees ten lakh per annum and non-recurring expenditure of rupees five lakh per annum.

BILL NO. 143 OF 1998***A Bill to provide for the prevention of hoarding of and profiteering in essential commodities of daily use.***

Be it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

Short title, extent, commencement and application.

1. (1) This Act may be called the Hoarding and Profiteering Prevention Act, 1998.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(4) It shall, in the first instance, apply to the articles specified in the First Schedule.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "dealer" means any person carrying on the business of selling any scheduled article, and includes a producer, an importer, a wholesaler or a retailer;

(b) "hoarding" means accumulating goods or stocks meant for sale with a view to cornering them so as to raise their prices by creating a short supply or by bringing them for sale at prices which are not competitive;

(c) "importer" means any person who brings any scheduled article into the State where he carries on his business from any place outside the State for the purpose of sale in the State;

(d) "producer" means a person engaged in the production, manufacture or processing of any scheduled article;

(e) "profiteering" with its grammatical variations and cognate expressions, means the sale by a dealer of any scheduled article at a price or rate higher than that fixed under section 3;

(f) "retailer" means a person who sells any scheduled article to a consumer not being a dealer;

(g) "scheduled article" means an article specified in the First Schedule; and

(h) "wholesaler" means a dealer who sells any scheduled article to any other dealer, and includes a broker, commission agent or any other agent having authority to sell any scheduled article belonging to his principal.

3. (1) The Central Government may, by order notified in the Official Gazette, fix in respect to any scheduled article the maximum price or rate which may be charged by a dealer or the minimum price which is to be paid by a purchaser.

Fixation of
maximum and
minimum prices
or rates for
scheduled arti-
cles.

(2) Any order made under sub-section (1) may fix the maximum prices or rates or the minimum prices to be paid by the purchaser for the same description of scheduled articles differently in different localities or for different classes of dealers.

Penalty for
profiteering and
hoarding.

4 (1) Any dealer who profiteers in any scheduled article shall be punishable with rigorous imprisonment which may extend to five years or with fine amounting to not less than five thousand rupees or with both, and the scheduled article in respect of which the offence has been committed or such part thereof as the court may deem fit, shall be forfeited to the Government.

(2) Any person found deliberately hoarding any scheduled article shall be punished with rigorous imprisonment which may extend to five years or with fine amounting to not less than five thousand rupees or with both.

5. Any dealer who, without reasonable excuse,—

Penalty for re-
fusal to sell at
fixed price.

(a) refuses to sell any scheduled article, or

(b) refuses to sell any scheduled article at the price or rate fixed in respect thereof under section 3, shall be punishable with rigorous imprisonment which may extend to five years or with fine amounting to not less than five thousand rupees or with both.

Explanation—The possibility or expectation of a higher price for a scheduled article at a later date shall not be deemed to be a reasonable excuse for the purpose of this section.

6. (1) Every dealer shall, on requisition by an officer duly authorised in this behalf by the Central Government by order notified in the Official Gazette, submit to him in the form specified in the Second Schedule by such date and relating to such period as may be mentioned in the requisition, returns of stocks of any scheduled article acquired, held or sold by him.

Dealer to sub-
mit returns,
maintain ac-
counts and fur-
nish informa-
tion, etc.

(2) Every dealer, unless exempted by an order in this behalf, shall—

(a) keep in the form specified in the Third Schedule a true account of any scheduled article acquired, held or sold by him after the commencement of this Act;

(b) display in his place of business in a prominent manner so as to be open to public view, a list of these scheduled articles intended for sale and the prices or rates of which have been fixed under section 3 in respect of such dealer, with the prices or rates, so fixed in respect thereof;

(c) furnish to any officer referred to in sub-section (1) of this section, or any police officer referred to in sub-section (2) of section 8, any information in respect of the acquisition or sale by him of scheduled article mentioned in clause (b); and

(d) make available to any officer mentioned in clause (c); for his inspection such accounts, registers, vouchers or other documents relating to the import, production, purchase or sale of any scheduled article mentioned in clause (b) or matters connected therewith as may be required by him.

Power of search and seizure.

7. When any police officer not below the rank of Sub-Inspector of Police has reasonable grounds for believing that there has been a contravention of any of the provisions of this Act, such officer may, after recording in writing the grounds of his belief, at all reasonable hours enter and search any place where a dealer keeps, or is for the time being keeping, any scheduled article, accounts, registers, vouchers or other documents referred to in clause (d) of sub-section (2) of section 6, and, if necessary, inspect, seize or retain all or any of them for so long as they may be required for any investigation into any offence under this Act.

Cognizance of offence and arrest without warrant.

8. (1) All offences punishable under this Act shall be cognizable.

(2) Any police officer, not below the rank of a Sub-Inspector of Police, may arrest without warrant any person against whom a reasonable complaint has been made or credible information has been received of his having been involved in any of the offences punishable under this Act.

Indemnity.

9. No suit, prosecution or other legal proceeding shall lie against any public servant for anything which is in good faith done or intended to be done under this Act or any order made thereunder.

Power to add to the First Schedule.

10. The Central Government may, by order, notified in the Official Gazette, add to the First Schedule any other article of daily use, and thereupon that Schedule shall be deemed to be amended accordingly and the article so added shall be deemed to be a scheduled article within the meaning of this Act.

Effect of orders inconsistent with the Essential Commodities Act, 1955, or orders thereunder.

11. If any order controlling the price of any essential commodity within the meaning of the Essential Commodities Act, 1955, has been made before the commencement of this Act or is made after such commencement and such essential commodity is a scheduled article within the meaning of this Act, that order shall have effect notwithstanding anything inconsistent therewith contained in this Act or any order made thereunder.

FIRST SCHEDULE

[See section 1, section 2 (g) and section 10]

1. Rice and rice in the husk
2. Wheat and wheat products
3. Pulses
4. Spices
5. Edible oil
6. Sugar
7. Baby food
8. Paper
9. Drugs and medicines
10. Skimmed milk powder
11. Kerosene
12. Soda Ash
13. Cement
14. Steel
15. Coal, Petrol and Diesel

SECOND SCHEDULE

[See section 6(1)]

Form of Return of Stocks for the period from.....
 to..... Name of dealer....., whether producer,
 importer, wholesaler or retailer.

Address of place of business.....

Description of scheduled article	Stocks held at the beginning of the period	Stocks subse- quently acquired with date and price of acqui- sition and names and addresses of persons from whom acquired	Stocks sold during the period together with the date of sale, the sale price and the names and addresses of persons to whom sold (except in the case of sale by retailers)	Stocks held at the end of the period (except in the case of retailers)
1	2	3	4	5

THIRD SCHEDULE

[See section 6(2) (a)]

Form of Accounts of Stocks

Name of dealer....., whether producer,
 importer, wholesaler or retailer,
 Address of place of business

Description of scheduled article	Stocks held when Act comes into force	Stocks subse- quently acquired with date and price of acqui- sition and names and addresses of persons from whom acquired	Stocks sold together with the date of sale price and the names and addresses of persons to whom sold (except in the case of sale by retailers)	Stocks held at the end of each day (except in the case of retailers)
1	2	3	4	5

STATEMENT OF OBJECTS AND REASONS

The unscrupulous businessmen practise hoarding and profiteering as a part of their class-culture. They try to exploit the miseries of the people. There is no law of demand and supply but there is only one law, namely, maximum profit at the cost of the consumers. In fact they are the traders who trade upon the miseries of the people.

Having a mixed economy in our country and having a very weak public distribution system, we are at the mercy of these unscrupulous people. They create artificial scarcity through hoarding to achieve maximum profit.

Then there is no price policy. The entire market is a picture of gambling. No body is sure to what extent he has been cheated.

The Bill seeks to provide for measures with a view to preventing hoarding and profiteering.

NEW DELHI;
November 13, 1998.

E. AHAMED

BILL NO. 142 OF 1998

A Bill to prepare and maintain a National Register of Citizens and to issue photo identity cards to all the citizens.

Be it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

**Short title
extent and
commencement.**

1. (1) This Act may be called the Maintenance of National Register of Citizens Act, 1998.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definition.

2. In this Act, unless the context otherwise requires, 'prescribed' means prescribed by rules made under this Act.

**Maintenance of
National
Register.**

3. The Central Government shall prepare and maintain a National Register containing name, age, residence and such other particulars, as may be prescribed by rules made under this Act, of all the citizens of India.

4. The Central Government shall make arrangements, in such manner as may be prescribed, to enable Indian nationals who are living abroad temporarily and retain Indian citizenship for including their names in the National Register of Citizens.

Arrangements
for Indian Na-
tionals living
abroad for in-
cluding their
names in the
National Regis-
ter of citizens.

5. Every citizen of India shall be issued a photo identity card, expense on which shall be borne by the Central Government, duly verified and signed by an officer of the Central Government or the State Government, as the case may be, who may be authorised in this behalf.

Photo Identity
Cards to
Citizens.

6. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.

Power to make
rules.

STATEMENT OF OBJECTS AND REASONS

Articles 5 to 11 of the Constitution of India make provision for matters relating to citizenship. However, there is no provision under which data of all the citizens is required to be maintained.

There is a need to prepare and maintain on a continuous basis, a National Register of all the citizens of India and to issue photo identity cards to them.

The Bill seeks to achieve the above objective.

NEW DELHI;
November 10, 1998.

KRISHAN LAL SHARMA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for maintenance of a National Register of all the citizens of India.

Clause 4 provides for inclusion of names of Indian nationals living abroad temporarily in the National Register of citizens.

Clause 5 provides for issue of identity cards with photo to all such citizens. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve an expenditure of rupees twenty crore initially and a recurring expenditure of rupees two crore per annum.

BILL NO. 166 OF 1998**A BILL further to amend the Constitution of India.**

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1998.

Amendment of
article 85.

2. In article 85 of the Constitution,—

(i) in the marginal heading, for the word 'dissolution', the word 'suspension' shall be substituted;

(ii) for sub-clause (b), the following sub-clause shall be substituted, namely:—

"(b) suspend the House of the People.".

STATEMENT OF OBJECTS AND REASONS

India is the largest democracy in the world. Thousands of crores of rupees are spent in an election. It is being observed that the party system is resulting in hung Parliament after the elections. As a result, Lok Sabha needs to be dissolved many a time within a period of five years and the nation has to bear the burden of heavy expenditure on mid-term elections. Ultimately democracy means the rule of the ballot. The system of ballot cannot be given up. Therefore, some people advocate presidential system in place of Parliamentary system to avoid frequent dissolution of Lok Sabha before completing five years term and mid-term polls. Multi-party system leads to division of seats resulting in hung Lok Sabha and the country gets caught up in the whirlpool of political instability. Minor amendments in the Constitution can tackle such a situation.

Article 85(2)(b) of the Constitution should be amended by incorporating the words 'The President may from time to time suspend the Lok Sabha' in place of the words 'the President may from time to time dissolve the Lok Sabha'. Such a provision will give us two benefits, Firstly, the business of suspended Lok Sabha will get suspended as is the case with the provision made in case of Legislative Assemblies in States and it will make way of political polarisation. Thus the country could be saved from facing unnecessary elections. In the event of Lok Sabha not being dissolved before five years there would be no elections before the expiry of its term of five years. In the event of the President suspending the Lok Sabha, on the advice of the Prime Minister, immediately thereafter the President will administer the country with the help of caretaker Prime Minister. The President, on being satisfied that any party or a combination of parties is in a position to form the Government, will revoke the suspension of Lok Sabha and invite the concerned party to form the Government.

The Bill seeks to make an amendment to the Constitution mainly to save the country from the burden of unnecessary election expenses and to avoid holding of the election before the period of five years under any circumstances.

NEW DELHI;
November 12, 1998.

RAGHUVANSH PRASAD SINGH

BILL NO. 156 OF 1998

A Bill further to amend the Representation of the People Act, 1950 and the Representation of the People Act, 1951.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Election Laws (Amendment) Act, 1998.

AMENDMENT TO THE REPRESENTATION OF THE PEOPLE ACT, 1950.

Amendment of
section 23 of Act
No. 43 of 1950

2. In section 23 of the Representation of the People Act, 1950, in sub-section (3), for the words "after the last date for making nomination" the words "after the last date of issue of notification under Part III of the Representation of the People Act, 1951," shall be substituted.

43 of 1950.

43 of 1951.

Insertion of
new Part VA.

AMENDMENT TO THE REPRESENTATION OF THE PEOPLE ACT, 1951.

3. After Part V of the Representation of the People Act, 1951, the following Part shall be inserted, namely:—

"PART VA

Free supply of certain material to candidates of recognised political parties.

Supply of electoral roll, etc
free of charge
to candidates
of recognised
political parties.

78A. The Central Government or the Election Commission, as the case may be, shall, at any general election held for the purpose of constituting the House of the People

or the Legislative Assembly of a State, provide, free of cost, to the candidates of recognised political parties—

43 of 1950

- (a) such number of copies of the electoral roll, as finally published under the Representation of the People Act, 1950, along with identity slips of electors, preferably as part of the electoral roll, as may be prescribed;
- (b) such quantity of diesel or petrol for such number of vehicles as may be prescribed;
- (c) such amount on account of hire charges for such number of microphones (including loudspeakers) as may be prescribed;
- (d) such amount on account of standard size advertisements in newspapers and similar posters with photographs of candidates, as may be prescribed.

78B. The electoral roll and fuel referred to in clauses (a) and (b) of section 78A shall be made available to the candidates without any condition and the payment referred to in clauses (c) and (d) of that section shall be made subject to such conditions as may be imposed by the Central Government in consultation with the Election Commission and subject to ceiling on expenses to be incurred by a candidate as provided under section 77.".

Conditions for payment regarding certain expenses.

STATEMENT OF OBJECTS AND REASONS

The Committee on Electoral Reforms (popularly known as Dinesh Goswami Committee) had in its report submitted in 1990 recommended State assistance in kind to candidates set up by recognised political parties. Legislation to give effect to those recommendations has not yet been enacted.

There is a need to make a beginning by supplying, free of cost, to the candidates of recognised political parties, certain material like copies of electoral rolls, diesel/petrol and identity slips of electors. Provision can also be made for meeting expenditure on hire charges for microphones and towards standard advertisements in newspapers and similar posters with photographs of candidates. The limit upto which such assistance can be provided may be prescribed by rules.

Under the existing provisions corrections of entries in the electoral rolls can be made upto the last date for making nominations for an election. As a result, the final electoral roll consists of numerous additions, deletions and amendments in the electoral rolls thereby causing confusion upto the date of poll. It is proposed to amend section 23 of the Representation of the People Act, 1950, to provide that no such changes may be made after the date of issue of notification for an election.

The Bill seeks to achieve the above objectives.

NEW DELHI;
November 12, 1998.

KRISHAN LAL SHARMA

FINANCIAL MEMORANDUM

Clause 2 of the Bill makes provision for extending certain facilities to candidates of recognised political parties during general elections to Lok Sabha/State Assemblies. The expenditure will depend on the number of general elections held to State Assemblies and Lok Sabha. The expenditure will be met out of the budgetary grants of the Ministry of Law and Justice.

BILL NO. 164 OF 1998*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1998.

Substitution of
new Schedule
for Tenth
Schedule.

2. For Tenth Schedule to the constitution, the following Schedule shall be substituted, namely:—

"TENTH SCHEDULE**[ARTICLES 102(2) AND 191(2)]**

Provisions as to disqualification on ground of defection

1. **Interpretation**—In this Schedule, unless the context otherwise requires,—

(a) "House" means either House of Parliament or the Legislative Assembly or, as the case may be, either House of the Legislature of a State;

(b) "legislature party" in relation to a member of a House belonging to any political party means the group consisting of all the members of that House for the time being belonging to that political party;

(c) "paragraph" means a paragraph of this Schedule; and

(d) "political party" means a political party classified as recognised political party or a registered political party under any law or any rule, regulation, order or notification having the force of law with respect to matters relating to, or in connection with, elections to either House of Parliament or the Legislative Assembly or as the case may be, either House of the Legislature of a State.

2. Disqualification on ground of defection. A member of a House belonging to any political party shall be disqualified for being a member of that House—

(a) if he has voluntarily given up his membership of such political party; or

(b) if he has been expelled from such political party in accordance with the provisions of the Constitution or rules of that political party; or

(c) if he votes or abstains from voting in that House contrary to any direction issued by the political party to which he belongs or by any persons or authority so authorised by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority and such voting or abstention has not been condoned by such political party, person or authority within fifteen days from the date of such voting or abstention.

Explanation—For the purposes of this paragraph,—

(a) an elected member of a House shall be deemed to belong to the political party, if any, by which he was set up as a candidate for election as such member;

(b) a nominated member of a House or an elected member of a House who has been elected as such otherwise than as a candidate set up by any political party, shall,—

(i) be deemed to belong to the political party of which he becomes, or, as the case may be, first becomes a member before the expiry of six months from the date on which he takes his seat in the House; and

(ii) be liable to be disqualified for being a member of the House if he joins any political party after the expiry of six months from the date on which he takes his seat in the House.

3. Exemption.—Notwithstanding anything contained in this Schedule, a person who has been elected to the office of the Speaker or the Deputy Speaker of the House of the People or the Legislative Assembly, or the Deputy Chairman of the Council of States or the Chairman or the Deputy Chairman of the Legislative Council of a State, shall not be disqualified under this Schedule,—

(a) if he, by reason of his election to such office, voluntarily gives up the membership of the political party to which he belonged immediately before such election and does not, so long as he continues to hold such office thereafter, rejoin that political party or become a member of another political party; or

(b) if he, having given up by reason of his election to such office his membership of the political party to which he belonged immediately before such election, rejoins such political party after he ceases to hold such office.

4. Decision on questions as to disqualification on ground of defection. (1) If any question arises as to whether a member of a House has become subject to disqualification under this Schedule, the question shall be referred for the decision of the President or, as the case may be, the Governor :

Provided that the President or, as the case may be, the Governor shall not entertain any question as to whether a member of a House has become subject to disqualification under this Schedule unless the question has been referred for his decision—

(i) by the political party or as the case may be, by the Legislature Party to which such member belongs to, or through any person or authority so authorised by it in this behalf; or

(ii) by any sitting member or members of the House.

(2) Before giving any decision on any such question, the President or, as the case may be, the Governor shall obtain the opinion of the Election Commission and shall act according to such opinion.

(3) Where the President or, as the case may be, the Governor decides that the member has become subject to disqualification under paragraph 2 of the Schedule, such member shall stand disqualified from the date of the decision and his seat in the House shall become vacant with effect from that date.

5. Rules. (1) The President or as the case may be, the Governor may after consultation with the Speaker or, as the case may be, the Chairman of the House, make rules for giving effect to the provisions of this Schedule, and in particular, and without prejudice to the generality of the foregoing, such rules may provide for—

(a) the maintenance of registers or the other records as to the political parties and the legislature parties to which different members of the House belong to;

(b) the reports which the political parties or the legislature parties will be required to furnish forthwith in regard to the members belonging to those parties, including resignations or expulsion of members from political parties, persons or authorities so authorised to communicate with the Speaker or the Chairman of the House or the Election Commission and changes in the nomenclature of political and legislature parties;

(c) procedure for making complaints, disqualification of a member and the information required to be furnished in this regard;

(d) matters in which violation of a direction issued by a political party or a legislature party to vote or abstain from voting in the House in a particular manner may render the member liable to disqualification; and

(e) procedure for making inquiry into the complaints regarding disqualification of a member.

(2) The rules made under sub-paragraph (1) of this paragraph shall be laid, as soon as may be after they are made, before the House for the total period of thirty days which may be comprised in one session or in two or more successive sessions and shall take effect upon the expiry of the said period of thirty days unless they are sooner approved with or without modifications or disapproved by the House and where they are so approved, shall take effect on such approval in the form in which they were laid or in such modified form, as the case may be, and where they are so disapproved, they shall have no effect.”.

STATEMENT OF OBJECTS AND REASONS

The Tenth Schedule to the Constitution popularly known as Anti-Defection Law was added to the Constitution by the Constitution (Fifty-second Amendment) Act, 1985. The Tenth Schedule came into force with effect from 1st March, 1985.

2. Certain deficiencies and ambiguities have been noticed in the implementation of the provisions of the Tenth Schedule. There have been varied views by the Presiding Officers of legislatures on entertaining claims of splits in legislature parties, such as—

(a) whether splits in the legislature party should be taken note of or whether split in a political party outside the legislature should be ascertained;

(b) whether a split is a one time affair or a continuous process; and

(c) a member of the House who is expelled from his political party for his activities outside the House continues to be a member of the House. What will be the status of such member in the House? Can he join another party or form a new party with some other members?

3. Some decisions given by the Presiding Officers on the question of splits and mergers have become controversial and have brought the office of the Presiding Officers into an unnecessary controversy. Further, decisions given by the Presiding Officers have become justiciable thereby increasing the scope of conflict between the legislature and the judiciary.

4. Cases pertaining to Anti-Defection Law have to be decided in a judicial manner. Political parties as also individuals, directly or through their lawyers appear before the Presiding Officer to plead the dispute that comes before him. The Presiding Officer may or may not be acquainted with procedures involved in sifting of facts, taking evidence of parties and coming to decisions in a strictly legal manner.

5. In the present Bill, the following main changes have been suggested:

(i) Political party has been defined to include a "recognised political party" or "as registered political party" for which provisions already exist in the Representation of the People Act and the Rules, made thereunder.

(ii) A member shall be liable to be disqualified if he resigns from the political party or is expelled therefrom or votes or abstains from voting contrary to the directions issued by his parent political party.

(iii) A nominated member of a House or, an elected member who has been elected otherwise than as a candidate set up by any political party, shall be liable to be disqualified if he joins any political party after the expiry of six months from the date on which he takes his seat in the House.

(iv) Paragraphs in the existing Tenth Schedule regarding splits and mergers are proposed to be omitted.

(v) It is proposed that questions regarding disqualification of a member shall be decided by the President or the Governor, as the case may be, after obtaining the opinion of the Election Commission.

(vi) It is proposed that the President or the Governor, as the case may be, shall in consultation with the Speaker or the Chairman of the House may make detailed rules under the Tenth Schedule for carrying out the purposes of the said Schedule.

The Bill seeks to achieve the above objectives.

BILL NO. 165 OF 1998

A Bill to provide for measures for population control and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

Short title,
extent,
commencement
and applica-
tion.

1. (1) This Act may be called the Population Control (Special Provisions) Act, 1998.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(4) The provisions of this Act shall apply to all Indian citizens irrespective of their race, religion, caste, creed, custom, convention or usage.

No person to
have more than
one spouse.

2. On and from the date of the commencement of this Act, no person shall have more than one living spouse.

3. No person shall procreate more than two living children after a period of one year from the date of commencement of this Act.

No person to have more than two living children.

4. Any person who violates the provisions of sections 2 and 3 shall not be—

(i) eligible to contest an election to either House of Parliament or State Legislature;

Provisions for violation of this Act.

(ii) eligible for appointment under an office or establishment or public sector undertaking or any statutory authority under the control of Central Government or any institution, which is wholly or partly financed by the Central Government.

5. The provisions of this Act shall not apply to those persons who are having more than two living children on the date of commencement of this Act or having two children after a period of one year from the date of commencement of this Act.

Exemption.

6. The provisions of this Act shall have effect notwithstanding anything contained inconsistent therewith in any other law for the time being in force.

Act to have over-riding effect.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

The increasing population is upsetting all the development plans and activities of our country. With the limited resources we are unable to provide a better standard of living for the people. Problem of increasing population adds to the problem of unemployment, poverty, price rise and all these problems are increasing at an alarming rate. Unless the population growth is checked, any efforts for development and welfare of the people will have no effect.

The Bill seeks to provide for measures for population control.

New Delhi;
November 17, 1998.

SATYA PAL JAIN

S. GOPALAN,
Secretary General,